

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 177 of 2000

Between:

B.Rana Pratap Singh, S/o.B.Ramachander Singh,
R/o. Uppal, Ranga Reddy District.

..... PETITIONER

AND

The Commissioner Uppal Municipality
Uppal, Ranga Reddy District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or direction, or order or writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing the Notice No.UKM/D/1493/99 dated 13-8-99, as bad, illegal, arbitrary and against the principles of natural justice and pass such other and further order or orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case, in the interest of Justice.

Counsel for the Petitioner: MR.C.DAMODHAR REDDY

Counsel for the Respondent : MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

The Court made the following :

ORAL ORDER

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The petitioner filed the present writ petition seeking writ of Mandamus to declare the action of the respondent in issuing the Notice No.UKM/D/1493/99 dated 13-08-1999, as illegal and arbitrary.

The brief averments in the writ petition is as follows:-

Originally the petitioner's father by name B.Ramachander Singh is the absolute owner and possessor of the lands in Sy.Nos.23,24,25 and 26 situated at Uppal village. Later the father of the petitioner and petitioner himself developed the lands, made them into house plots in the year 1979 and the same was approved by the erstwhile Uppal Grampanchayat vide resolution No.98/D dated 06-11-1979. Later they sold some of the plots to the *bona fide* purchasers. While the matter stood thus, on 13-08-1999 the respondent issued notice No.UKM/D/1493/99, impugned in this writ petition, to the petitioner directing him to remove the stones in the above said lay-out within three days under the guise of "unauthorized developed site". Pursuant to the notice, the petitioner submitted his explanation informing the respondent that the lay-out was already approved by the then Uppal Grampanchayat vide Resolution No.98/D, dated 06-11-1979. But the respondent without considering the same, tried to remove the stones in the lay-out, is the main grievance in this writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

As can be seen from the material averments available on record, it clearly goes to show that the explanation alleged to have been submitted by the petitioner pursuant to the impugned notice is not filed in the writ petition.

In the circumstances of the case, I deem it appropriate to dispose of the writ petition

with a direction to the petitioner to submit his explanation to the respondent, within a period of two (2) weeks from today. On such filing the explanation, the respondent is directed to pass appropriate orders with utmost expedition and in any event within a period of two (2) from the date of receipt of such explanation and communicate the reasons for the decision to the petitioner.

With the above said observation the writ petition is disposed of. In the circumstances, there shall be no order as to costs.

ELIPE DHARMA RAO,J

13TH JULY 2005

*TSNR

To

1. The Commissioner Uppal Municipality
Uppal, Ranga Reddy District.

2 Two C.D.Copies.